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SEP 17 2002

OFFICE OF PETITIONS

In re Application of :
Shalom Ohayon : CORRECTED
Application No. 08/931,721 : DECISION ON PETITION
Filed: September 16, 1997 :
Attorney Docket No. :
1038-729MIS: :

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2000, to revive the above-identified application. The delay in treating this petition is regretted.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to properly and timely reply to the Notification of Non-compliance with 37 CFR 1.192(c) (hereinafter "Notice"), mailed on July 19, 2000. The Notice set a one (1) month period for reply. No extensions of time under 37 CFR 1.136(a) were available. Accordingly, the application became abandoned on August 20, 2000. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 U.S.C. 120, 121 and 365(c); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement

that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

As to item (1), Petitioner has submitted a reply in the form of an Amended Appeal Brief, however, the amended brief fails to place the application in condition for allowance.

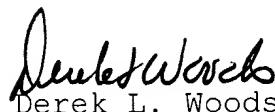
Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


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